

## **REMARKS/ARGUMENTS**

### **Claim Amendments**

The Applicant has amended no claims. Applicant respectfully submits no new matter has been added. Accordingly, claims 1-30 are pending in the application. Favorable reconsideration of the application is respectfully requested in view of the foregoing amendments and the following remarks.

### **Claim Rejections – 35 U.S.C. § 103 (a)**

Claims 1-10, 12-30 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Sevanto et al (US 6987779) in view of Ala-Luukko, et al. (US 7203200). The Applicant respectfully traverses the rejection of these claims.

The Detailed Action notes that the Sevanto reference does not teach the base station system using the mobile station capability in evaluating whether the requested QoS can be supported and the Ala-Luuko reference is cited. The cited portion (column 1, lines 37-43) of Ala-Luuko refers to a mobile station being made accessible for short message transmission taking place through the SGSN and the SGSN creates a Mobility Management context. User authentication is carried out by the SGSN. Mobility and Security information is not the same as UE capabilities. Furthermore, the Ala-Luuko reference fails to disclose setting up a packet flow context between the SGSN and the BSS. This is the procedure where the UE capability is used to evaluate whether or not the QoS can be supported.

The Applicant respectfully asserts that the Sevanto reference and the Ala-Luuko reference, whether considered individually or combined, do not disclose evaluating whether QoS can be supported for packet flow in the cited portion or anywhere else in the Ala-Luuko reference. This being the case,

To establish a prima facie case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined)

must teach or suggest all of the claim limitations (MPEP 2143). In that regard, the Applicant respectfully submits that the Examiner's two references still fail to teach or suggest each and every element of the presently pending independent claims. Thus, the Examiner has not provided a prima facie case as the cited art does not suggest the claimed invention (MPEP 2142). The Applicant respectfully requests the withdrawal of the rejection of the independent claims and the respective dependent claims.

Claim 11 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Sevanto et al (US 6987779) in view of Makela, et al. (US 7099687). The Applicant respectfully traverses the rejection of this claim.


Because Sevanto is silent on the BSS requesting a download of a PFC message, the Makela reference is cited. The cited portion of Makela merely discloses making a packet data connection between the mobile terminal and the IP network. There is nothing in the cited portion of Makela that discloses the BSS requesting a download of a Packet Flow Context (PFC) Create message. The Applicant respectfully submits that the references of Makela, Ala-Luuko or Sevanto, either individually or in combination, do not teach or suggest all the claim limitations contained in claim 11. The allowance of claim 11 is respectfully requested.

**CONCLUSION**

In view of the foregoing remarks, the Applicant believes all of the claims currently pending in the Application to be in a condition for allowance. The Applicant, therefore, respectfully requests that the Examiner withdraw all rejections and issue a Notice of Allowance for all pending claims.

The Applicant requests a telephonic interview if the Examiner has any questions or requires any additional information that would further or expedite the prosecution of the Application.

Respectfully submitted,

  
By Sidney L. Weatherford  
Registration No. 45,602

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Ericsson Inc.  
6300 Legacy Drive, M/S EVR 1-C-11  
Plano, Texas 75024

(972) 583-8656  
sidney.weatherford@ericsson.com